

EXHIBIT “A”

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
BEAUMONT DIVISION

SHAWNTEL BREED,)
INDIVIDUALLY AND AS)
REPRESENTATIVE OF THE)
ESTATE OF DUSTIN KEITH)
JONES, DECEASED, AND AS)
NEXT FRIEND OF DJ AND CJ,)
MINOR CHILDREN)
Plaintiff)

VS.)

CIVIL ACTION NO. 1:15-cv-190
JURY DEMANDED

CITY OF KIRBYVILLE, CHIEF)
PAUL BRISTER, AND OFFICER)
JOSH HANCOCK OF THE CITY)
OF KIRBYVILLE POLICE)
DEPARTMENT, INDIVIDUALLY,)
AND IN THEIR OFFICIAL)
CAPACITIES)
Defendants.)

ORAL AND VIDEOTAPED DEPOSITION OF

CHIEF ROBERT PAUL BRISTER

March 18, 2016

ORAL AND VIDEOTAPED DEPOSITION OF CHIEF ROBERT PAUL
BRISTER, produced as a witness at the instance of the
Plaintiff and duly sworn, was taken in the above-styled
and numbered cause on the 18th day of March, 2016, from
9:05 a.m. to 11:59 a.m., Janie P. Trapp, RPR, CSR
No. 6789, in and for the State of Texas, reported by
computerized stenotype machine at the offices of Nell
McCallum & Associates, Inc., 2615 Calder Avenue, Suite
111, Beaumont, Texas, pursuant to the Federal Rules of
Civil Procedure and the provisions stated on the record.

NELL MCCALLUM & ASSOCIATES
Janie P. Trapp, CSR, RPR

<p>1 Sheriff's?</p> <p>2 A. For eight years.</p> <p>3 Q. So, till about 2005?</p> <p>4 A. 2004.</p> <p>5 Q. 2004.</p> <p>6 A. Yes, sir -- 2005. You're right. I'm sorry.</p> <p>7 Q. Okay. And in 2005, what was your job title?</p> <p>8 A. Still chief deputy.</p> <p>9 Q. Still chief deputy. For who?</p> <p>10 A. Oh, you mean after I left Jasper?</p> <p>11 Q. After you left Jasper.</p> <p>12 A. Okay. I went to work for A. W. Davis at the</p> <p>13 Newton County District Attorney's Office.</p> <p>14 Q. Okay. And what was your job title?</p> <p>15 A. I was a district attorney investigator, D.A.</p> <p>16 investigator.</p> <p>17 Q. And what were your job duties or</p> <p>18 responsibilities as a D.A. investigator?</p> <p>19 A. To review cases and make sure that we had</p> <p>20 everything that we needed in order to be able to take</p> <p>21 that case to a trial should it -- should it become</p> <p>22 necessary. What the officers may have left out in their</p> <p>23 case, it was my responsibility to track down and find</p> <p>24 it.</p> <p>25 Q. So, would I be correct in saying in your job as</p> <p style="text-align: right;">22</p>	<p>1 Q. When you first went to Kirbyville, what was</p> <p>2 your job title?</p> <p>3 A. Chief of police.</p> <p>4 Q. Who did you replace as chief of police?</p> <p>5 A. Clarence Williams.</p> <p>6 Q. How long did you work for -- as chief of police</p> <p>7 for Kirbyville after 2007?</p> <p>8 A. I went to work in Kirbyville in --</p> <p>9 Q. 2007?</p> <p>10 A. Okay. I went to work in Kirbyville in 2005. I</p> <p>11 believe it was October --</p> <p>12 Q. Okay. I'm sorry.</p> <p>13 A. -- in 2005. And then I worked there till 2008.</p> <p>14 Q. What was your next job -- well, first of all</p> <p>15 let's talk about -- I'm sorry. Let me talk about this</p> <p>16 for a second. Okay. What were your job duties as chief</p> <p>17 of police with Kirbyville from 2005 to 2008?</p> <p>18 A. Pretty much as they are now, just to oversee</p> <p>19 the operations of the police department, scheduling,</p> <p>20 making sure that the officers receive their training</p> <p>21 hours. Just pretty much seeing the overall operations</p> <p>22 of the -- of the police department.</p> <p>23 Q. Do you control the overall operations of the</p> <p>24 police department as the chief of police for Kirbyville?</p> <p>25 A. It's according to what you mean by "control."</p> <p style="text-align: right;">24</p>
<p>1 a D.A. investigator, you weren't involved in the</p> <p>2 day-to-day law enforcement?</p> <p>3 A. You would be correct, yes, sir.</p> <p>4 Q. Okay. And how long did you hold that job for?</p> <p>5 A. About a year.</p> <p>6 Q. Let's go back. Was -- the time that you spent</p> <p>7 as a reserve officer, was that basically time to heal</p> <p>8 from the incident --</p> <p>9 A. Yes, sir.</p> <p>10 Q. -- you told me about?</p> <p>11 What was your reason for moving from the Jasper</p> <p>12 Sheriff's Office to becoming an investigator for the</p> <p>13 D.A.?</p> <p>14 A. We -- while at the Jasper Sheriff's Office, we</p> <p>15 were involved in a lot of -- a lot of high, high profile</p> <p>16 cases, the James Byrd case. We had several other</p> <p>17 murders. The sheriff was tired and ready to move on;</p> <p>18 and, so, when he decided to go, I decided to go.</p> <p>19 Q. Okay. And, so, after about your year of work</p> <p>20 at the -- the D.A. investigator, where did you work at</p> <p>21 next?</p> <p>22 A. I had the opportunity to go to work for</p> <p>23 Kirbyville, City of Kirbyville.</p> <p>24 Q. And Kirbyville is who you currently work for?</p> <p>25 A. Yes, sir.</p> <p style="text-align: right;">23</p>	<p>1 I am the chief of police, and they do work for me. I</p> <p>2 don't have complete control as -- per se, as for</p> <p>3 purchasing and stuff like that. It goes through the</p> <p>4 city secretary, things like that. Raises, I don't have</p> <p>5 control over -- over raises. That's the city council's.</p> <p>6 Q. But as far as the day-to-day --</p> <p>7 A. Day-to- --</p> <p>8 Q. -- operations and policy of Kirbyville Police</p> <p>9 Department, you do have control?</p> <p>10 A. Day-to-day operations, I have -- I have</p> <p>11 control. I supervise their activities.</p> <p>12 Q. And, so, when you say you supervise their</p> <p>13 activities, you were supervi- -- you were supervising</p> <p>14 them to make sure that they were following the rules and</p> <p>15 regulations of the Kirbyville Police Department?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And you said earlier that you made sure that</p> <p>18 they completed their training hours. Did you also --</p> <p>19 was it also your responsibility -- or strike that. Let</p> <p>20 me ask it a different way.</p> <p>21 Was also one of your powers to tell them what</p> <p>22 additional training they might need to have?</p> <p>23 A. It's -- not to tell them what tra- -- it's my</p> <p>24 duty to make sure that they receive the TCOLE</p> <p>25 requirements for training.</p> <p style="text-align: right;">25</p>

<p>1 Q. Okay. Could you say, "Well, Officer" -- you</p> <p>2 know, "Officer A, you know, I think you need to go to</p> <p>3 this other training on this particular thing"?</p> <p>4 A. If there's a specialized training that I would</p> <p>5 like to see them get, yes, sir, I can -- I can ask that</p> <p>6 they attend that.</p> <p>7 Q. Okay.</p> <p>8 A. But my main concern with such a small</p> <p>9 department, we don't have the luxury of really</p> <p>10 specializing in a lot of things.</p> <p>11 Q. Uh-huh.</p> <p>12 A. We just need to get what -- what we need to</p> <p>13 keep our license good.</p> <p>14 Q. How many officers did you have working at the</p> <p>15 Kirbyville Police Department during -- from 2005 to</p> <p>16 2008?</p> <p>17 A. At that time, we had -- we had four patrolmen,</p> <p>18 myself, and we did have a school resource officer.</p> <p>19 Q. So, including yourself, there would be --</p> <p>20 A. There was six of us --</p> <p>21 Q. -- six?</p> <p>22 A. -- yes, sir.</p> <p>23 Q. Okay. And you say you left Kirbyville as</p> <p>24 police officer-- -- police chief in 2008?</p> <p>25 A. 2008, yes, sir.</p> <p style="text-align: right;">26</p>	<p>1 A. Yes, sir.</p> <p>2 Q. And as far as other entities' involvement in</p> <p>3 the Kirbyville Police Department at that time, you said</p> <p>4 that the city secretary, she would set the budget?</p> <p>5 A. The city council sets the budget. In order for</p> <p>6 us to do any purchasing or anything, we have to fill out</p> <p>7 requisitions, present them to the mayor. He will sign</p> <p>8 those requisitions and approve them; and at that point,</p> <p>9 we can go get the items that we requested.</p> <p>10 Q. Okay. Did the city council have any other</p> <p>11 responsibilities with regard to, you know, the</p> <p>12 Kirbyville Police Department aside from that?</p> <p>13 A. I'm certain -- yes, sir, I worked for the mayor</p> <p>14 and the city council. So, any -- any suggestions they</p> <p>15 have, they'll certainly come to me with them.</p> <p>16 Q. Okay. Well, would I be correct in saying as</p> <p>17 far as the day-to-day work of and policy of Kirbyville</p> <p>18 Police Department, that was -- that was something that</p> <p>19 the chief of police was responsible for?</p> <p>20 MR. CALVERT: Object to the form.</p> <p>21 A. I'm sorry. What do I do?</p> <p>22 Q. (BY MR. TURNER) You can answer.</p> <p>23 MR. CALVERT: You can answer --</p> <p>24 THE WITNESS: Okay.</p> <p>25 MR. CALVERT: -- if you can.</p> <p style="text-align: right;">28</p>
<p>1 Q. And what did you do once you left Kirbyville?</p> <p>2 A. I had -- I had went into the constru- -- back</p> <p>3 into construction as a safety -- safety man.</p> <p>4 Q. I forgot -- I'm sorry. I forgot to ask you.</p> <p>5 During your time as chief of police during 2005-2008,</p> <p>6 would y'all have -- would y'all have like, I guess,</p> <p>7 safety meetings or -- you know, in the morning or</p> <p>8 anything like that?</p> <p>9 A. No, sir.</p> <p>10 Q. Okay. Did you ever have times where y'all</p> <p>11 would meet as a police department and kind of discuss</p> <p>12 issues?</p> <p>13 A. We did -- we did have meetings and stuff like</p> <p>14 where we -- where we would discuss operations. Once</p> <p>15 again, discussed if officers had any complaints; what</p> <p>16 they might need, if we were able to get it, that would</p> <p>17 make their job easier, meetings as that such.</p> <p>18 Q. I see. Did you lead those meetings?</p> <p>19 A. Yes, sir.</p> <p>20 Q. During your time as chief of police, was it</p> <p>21 your job to investigate complaints against your</p> <p>22 officers?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Did you have -- was it your job to discipline</p> <p>25 officers if it was necessary?</p> <p style="text-align: right;">27</p>	<p>1 A. Yes, sir, I would say that that would be</p> <p>2 correct.</p> <p>3 Q. (BY MR. TURNER) Okay. And you said you went</p> <p>4 back in 2008 to work in construction as a safety --</p> <p>5 A. Safety man.</p> <p>6 Q. Was there any particular reason why you left</p> <p>7 Kirbyville Police Department in 2008?</p> <p>8 A. There -- there was a little bit going on there.</p> <p>9 The officers -- it had to do with some hours that were</p> <p>10 cut, and they weren't happy. They all left and found</p> <p>11 new jobs. I kind of became disgusted, and the</p> <p>12 opportunity came; so, I took it.</p> <p>13 Q. So, officers were upset that they weren't</p> <p>14 getting enough hours or too many?</p> <p>15 A. No, they had cut their hours.</p> <p>16 Q. During your time as police chief of --</p> <p>17 MR. TURNER: How long have we been going</p> <p>18 for?</p> <p>19 THE REPORTER: 45 minutes, roughly.</p> <p>20 Q. (BY MR. TURNER) During your time as police --</p> <p>21 Kirbyville Police Department -- chief of police for</p> <p>22 Kirbyville Police Department during 2005-2008, did you</p> <p>23 ever have any complaints for any of your officers from</p> <p>24 citizens?</p> <p>25 A. I don't recall any formal complaints, no, sir.</p> <p style="text-align: right;">29</p>

<p>1 Q. What about informal complaints?</p> <p>2 A. Well, you know, there's -- a lot of times</p> <p>3 there's people come in and complaining because they were</p> <p>4 speeding and got a traffic citation. Just mainly</p> <p>5 gripes, but nothing -- nothing formal.</p> <p>6 Q. Okay. Any informal complaints concerning use</p> <p>7 of --</p> <p>8 A. No.</p> <p>9 Q. -- force?</p> <p>10 A. No, sir.</p> <p>11 MR. CALVERT: Please wait until he</p> <p>12 finishes asking --</p> <p>13 A. I'm sorry.</p> <p>14 MR. CALVERT: -- before you answer.</p> <p>15 Q. (BY MR. TURNER) During this time as chief of</p> <p>16 police, did any of your officers ever use deadly force</p> <p>17 in order to effect an arrest or detention?</p> <p>18 A. No, sir.</p> <p>19 Q. Any informal or formal complaints regarding the</p> <p>20 way that you were doing your job as chief of police,</p> <p>21 that you're aware of, during this time period?</p> <p>22 A. No, sir.</p> <p>23 Q. The officers that were disgruntled because of</p> <p>24 the hours situation, were they upset at you, as well?</p> <p>25 A. No, sir.</p> <p style="text-align: right;">30</p>	<p>1 Q. During this time in Newton, was that when you</p> <p>2 first met Officer Josh Hancock?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay. And at that time, Officer Hancock, he</p> <p>5 was a patrol officer?</p> <p>6 A. He was a patrol deputy, yes, sir.</p> <p>7 Q. Okay. Same question: During your time as</p> <p>8 chief deputy in Two Thousand- -- from 2009 to 2011 at</p> <p>9 Newton County, did you have any, whether formal or</p> <p>10 informal, complaints lodged against you for excessive</p> <p>11 use of force?</p> <p>12 A. No, sir.</p> <p>13 Q. Okay. During your time as chief of policy for</p> <p>14 Kirbyville from 2005 to 2008, did you still do, I guess,</p> <p>15 patrolman work? I don't know what the correct</p> <p>16 terminology is; but did you still go out and patrol the</p> <p>17 streets, as well?</p> <p>18 A. I still answered calls, yes, sir.</p> <p>19 Q. Okay. Okay. In 2011 you went back to</p> <p>20 Kirbyville -- Kirbyville to be the chief of police, and</p> <p>21 you've held that job all the way up until the present?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Is there any changes between your work as chief</p> <p>24 of police from 2005 to 2008 to your working</p> <p>25 responsibilities from --</p> <p style="text-align: right;">32</p>
<p>1 Q. Okay. I guess I'm just trying to -- my</p> <p>2 question is: That situation wasn't caused by anything</p> <p>3 you did, to your -- to your knowledge?</p> <p>4 A. No, sir.</p> <p>5 Q. Okay. I'm going to skip back for just a</p> <p>6 second. During your time as chief deputy with Jasper</p> <p>7 Sheriff -- Sheriff's Office, did you receive any</p> <p>8 complaints -- are you aware of any complaints lodged</p> <p>9 against you for excessive use of force?</p> <p>10 A. No, sir.</p> <p>11 Q. How long were you a safety man in construction</p> <p>12 again?</p> <p>13 A. Until 2009.</p> <p>14 Q. So, just about a year?</p> <p>15 A. Yes, sir.</p> <p>16 Q. What construction company did you work for?</p> <p>17 A. STI out of Bridge City.</p> <p>18 Q. And what did you do after -- after that job?</p> <p>19 A. In 2009 I went to work for the Newton County</p> <p>20 Sheriff's Office as chief deputy for Sheriff Joe Walker.</p> <p>21 Q. And how long were you chief deputy in Newton?</p> <p>22 A. From 2009 till 2011, which time I went back to</p> <p>23 work for the City of Kirbyville.</p> <p>24 Q. Back again as chief of police?</p> <p>25 A. Yes, sir.</p> <p style="text-align: right;">31</p>	<p>1 (CELL PHONE SOUNDING)</p> <p>2 A. I apologize.</p> <p>3 Q. (BY MR. TURNER) That's fine.</p> <p>4 -- from 2011 to the present?</p> <p>5 A. No, sir.</p> <p>6 MR. TURNER: This would probably be a good</p> <p>7 time to take a break if you want to, or we can keep on</p> <p>8 going.</p> <p>9 MR. CALVERT: Whatever you want to do.</p> <p>10 THE WITNESS: It's fine with me.</p> <p>11 MR. TURNER: You want to keep going?</p> <p>12 MR. CALVERT: We can take a short break.</p> <p>13 THE VIDEOGRAPHER: We're off the record at</p> <p>14 9:54.</p> <p>15 (RECESS FROM 9:54 A.M. TO 10:04 A.M.)</p> <p>16 THE VIDEOGRAPHER: Back on the record at</p> <p>17 10:04.</p> <p>18 Q. (BY MR. TURNER) Chief Brister, we took a quick</p> <p>19 break.</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay. I think we were talking about you had</p> <p>22 just came back as chief of police with Kirbyville Police</p> <p>23 Department in 2011?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. Can you tell me how, if at all, the city</p> <p style="text-align: right;">33</p>

<p>1 council, mayor, or city manager are involved in the</p> <p>2 internal policies of the Kirbyville Police Department,</p> <p>3 if they are?</p> <p>4 A. They -- they have say-so, and they approve our</p> <p>5 policies.</p> <p>6 Q. What do you mean when you say that?</p> <p>7 A. I mean they have -- they have to approve -- I</p> <p>8 can't just go in and make up any kind of off-the-wall</p> <p>9 policy that I want to make. It has to be something</p> <p>10 that -- that's approved by the mayor and the council,</p> <p>11 something that they are -- that they're fairly certain</p> <p>12 is not going to get them in trouble or -- or the police</p> <p>13 department in trouble.</p> <p>14 Q. Okay. Have you ever presented policies for</p> <p>15 them to -- for their approval since you've been chief of</p> <p>16 police?</p> <p>17 A. No, sir, never written policies to the -- to</p> <p>18 the council.</p> <p>19 Q. But as far as writing a policy, would that be</p> <p>20 the job of the chief of police?</p> <p>21 A. It would be, yes, sir.</p> <p>22 Q. And is it also your job to enforce the</p> <p>23 policies?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Do you set goals for your police officers?</p> <p style="text-align: right;">34</p>	<p>1 had an opening and he was available; so, I asked him to</p> <p>2 take it.</p> <p>3 Q. Okay. And I for- -- I forgot to tell you at</p> <p>4 the beginning. I -- you know, I represent Shawntel</p> <p>5 Breed and her family in a lawsuit that's filed against</p> <p>6 you and the City of Kirbyville involving the death of</p> <p>7 her husband. Are you aware of that fact?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And, so, at least for the purposes of this</p> <p>10 deposition, you're aware that we're on opposite sides?</p> <p>11 A. Yes, sir, I do.</p> <p>12 Q. Okay. All right. And you were aware of that</p> <p>13 the whole deposition? I just forgot to tell you at the</p> <p>14 beginning.</p> <p>15 A. I am aware of that, yes, sir.</p> <p>16 Q. All right. And, so, when I say the inci- --</p> <p>17 this incident, you will know that I'm talking about the</p> <p>18 arrest, detention, and eventual death of Mr. Dustin</p> <p>19 Jones?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. All right. So, at the time of this</p> <p>22 incident, could you tell me -- or I don't think it's</p> <p>23 changed much. How about this: How tall a man are you?</p> <p>24 A. I'm about five eleven.</p> <p>25 Q. And at the time of this incident, do you recall</p> <p style="text-align: right;">36</p>
<p>1 A. I don't actually set a goal and say, "Here's</p> <p>2 what I want you to do." I talk with them on a daily</p> <p>3 basis about how they act and react with the public, what</p> <p>4 I expect of them. My main -- my main priority is</p> <p>5 professionalism, courtesy, and respect. I won't</p> <p>6 tolerate -- I let them know that we're not bullies and</p> <p>7 we're not going to be bullies.</p> <p>8 That's the type of goals that I set for them.</p> <p>9 Q. Okay.</p> <p>10 A. As far as advancement in the department, we</p> <p>11 have a sergeant's position; and after that, there's just</p> <p>12 not a whole lot of advancement unless they take my job;</p> <p>13 so...</p> <p>14 Q. Who currently holds the sergeant position?</p> <p>15 A. Josh Hancock.</p> <p>16 Q. When you came back to Kirbyville as chief of</p> <p>17 police, did Josh Hancock come with you?</p> <p>18 A. He came later on --</p> <p>19 Q. Okay.</p> <p>20 A. -- yes, sir. I think I got there in '11; and I</p> <p>21 believe he came in like maybe '12 or something like</p> <p>22 that.</p> <p>23 Q. And did you kind of bring him over there?</p> <p>24 A. Yes, sir. I brought him once I had an opening.</p> <p>25 I didn't -- I didn't run nobody off to bring him, but I</p> <p style="text-align: right;">35</p>	<p>1 how much you weighed approximately?</p> <p>2 A. About what I do now, around 205.</p> <p>3 Q. What equipment do you currently require for a</p> <p>4 Kirbyville police officer to wear?</p> <p>5 A. I don't really require any. They at least have</p> <p>6 to have a duty weapon, a Taser, set of handcuffs, and a</p> <p>7 flashlight. Some of them want more, and that's fine as</p> <p>8 long as it's an approved item.</p> <p>9 Q. Okay. On the day in question, what equipment</p> <p>10 did you have with you?</p> <p>11 A. Me?</p> <p>12 Q. Uh-huh.</p> <p>13 A. I had a gun on.</p> <p>14 Q. Okay. No Taser? No handcuffs?</p> <p>15 A. No, sir.</p> <p>16 Q. And I know eventually you had a flashlight.</p> <p>17 Did you pick that up later at some point?</p> <p>18 A. Yes, sir, I picked that up out of the car as I</p> <p>19 was exiting to go help Josh.</p> <p>20 Q. Okay. What rules have you set for your police</p> <p>21 officers with regard to use of force in arrests and</p> <p>22 detentions?</p> <p>23 A. The least amount necessary. Like I say, I</p> <p>24 don't want -- I don't want bullies. Won't have a bully.</p> <p>25 You go treat people professionally and courteous and let</p> <p style="text-align: right;">37</p>

<p>1 A. We just -- we just go a lot of times with what 2 we can get. Sometimes there's -- we'll call in the 3 assistance of the sheriff's office; but, you know, a lot 4 of times we're there and we -- we just have to do what 5 we have to do.</p> <p>6 Q. Now, is it your understanding that the 7 residence that you guys were going to on this occasion 8 was Arthur Breed's residence?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Do you know who Arthur Breed is?</p> <p>11 A. I do.</p> <p>12 Q. Okay. Had you had dealings with Arthur Breed 13 prior to this incident?</p> <p>14 A. Yes, sir.</p> <p>15 Q. What type of dealings have you had with Arthur 16 Breed?</p> <p>17 A. He -- we've had a lot of dealings with Arthur 18 Breed. He likes to steal, but he's the most honest 19 crook I've ever met in my life. He can't lie to you. 20 You ask him, he'll tell you. He's just a -- he's 21 just -- he's just Arthur Breed.</p> <p>22 Q. Had you ever had the opportunity to meet his 23 daughter, Shawntel Breed?</p> <p>24 A. Never had met her, no, sir.</p> <p>25 Q. How many people -- how many people are there in</p> <p style="text-align: right;">54</p>	<p>1 our office and where Arthur Breed lives.</p> <p>2 Q. How long was that conversation that you and 3 Officer Hancock had, about?</p> <p>4 A. Three, four, five minutes, maybe.</p> <p>5 Q. And then y'all left MLK and then went to the -- 6 to Arthur Breed's house?</p> <p>7 A. To the resident (sic), yes, sir.</p> <p>8 Q. What was the first thing y'all did once y'all 9 arrived at Arthur Breed's house?</p> <p>10 A. We got out of the -- out of our vehicles and 11 approached the residence.</p> <p>12 Q. Did y'all take the same vehicle?</p> <p>13 A. No, sir, we was in two vehicles.</p> <p>14 Q. What vehicle were you in?</p> <p>15 A. I was in one of the patrol units, for some 16 reason. I don't know if my car was being worked on or 17 whatever, but I was in one of the -- one of the SUV 18 patrol vehicles we have.</p> <p>19 Q. Who was lead vehicle out of you and 20 Mr. Hancock?</p> <p>21 A. Hancock was the lead vehicle to the residence.</p> <p>22 Q. But obviously you were the officer with the 23 most authority on the scene?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. Y'all got out of y'all's vehicles, and</p> <p style="text-align: right;">56</p>
<p>1 Kirbyville?</p> <p>2 A. There's probably 1800, 2,000 people.</p> <p>3 Q. At the time of this incident, how many officers 4 did you have working at Kirbyville Police Department?</p> <p>5 A. There was five of us.</p> <p>6 Q. And aside from you and Officer Hancock, can you 7 tell me the other names of the officers?</p> <p>8 A. We were the only two on duty, but I have -- at 9 that time, we had -- at that time, I believe Jay 10 Matthews worked there. Trying to think. I can't 11 remember who worked there then.</p> <p>12 Q. It's okay if you can't remember.</p> <p>13 A. I really can't -- can't be absolutely certain 14 who they were. I know Jeffrey Blewett. That's the only 15 ones I can tell you for certain.</p> <p>16 Q. Okay. How far is Arthur Breed's residence 17 from -- from the police station?</p> <p>18 A. Couple miles, maybe.</p> <p>19 Q. So, you said at the scene is where Officer 20 Hancock kind of told you what y'all was doing, what the 21 warrants were, and --</p> <p>22 A. Not at that -- no, sir, not at that scene. We 23 met on MLK.</p> <p>24 Q. Okay.</p> <p>25 A. But probably -- probably about halfway between</p> <p style="text-align: right;">55</p>	<p>1 what'd y'all do next?</p> <p>2 A. Walked up, approached the residence.</p> <p>3 Q. Okay. And after you approached the residence, 4 once you got up to the door -- I'm sorry. I'm sorry. 5 I'll ask you about that. So, let me ask a different 6 question.</p> <p>7 It's my understanding that the information 8 y'all received was that Dustin Jones was outside the 9 residence. Do you know whether or not that's true or 10 not?</p> <p>11 A. I don't remember receiving that residence 12 (sic). All I know, that he was supposed to be at the 13 residence. I don't know.</p> <p>14 Q. Okay. Once y'all pulled up to the residence, 15 did y'all see anybody outside the residence?</p> <p>16 A. Yes, sir, BB -- Arthur Breed was outside.</p> <p>17 Q. Do y'all have a nickname for Arthur Breed?</p> <p>18 A. "BB."</p> <p>19 Q. Do you know where that comes from?</p> <p>20 A. I really don't.</p> <p>21 Q. Okay. And, so, as y'all approached the 22 residence, did y'all talk to Arthur Breed?</p> <p>23 A. Yes, sir.</p> <p>24 Q. What was the conversation?</p> <p>25 A. Josh asked him who was in the residence and he</p> <p style="text-align: right;">57</p>

<p>1 A. Yes --</p> <p>2 Q. Okay.</p> <p>3 A. -- uh-huh.</p> <p>4 Q. And, so, at this point, your role was mainly</p> <p>5 super- -- supervisory?</p> <p>6 A. My role is mainly just there.</p> <p>7 Q. Okay. Okay. And you said that when Josh asked</p> <p>8 him to come over to the side, he complied?</p> <p>9 A. Uh-huh.</p> <p>10 Q. And he told him that there were warrants?</p> <p>11 A. Uh-huh.</p> <p>12 MR. CALVERT: You need to say "yes" or</p> <p>13 "no."</p> <p>14 Q. (BY MR. TURNER) Is that a "yes"?</p> <p>15 A. Yes, sir. I'm sorry. I apologize.</p> <p>16 MR. CALVERT: No problem.</p> <p>17 Q. (BY MR. TURNER) And when Josh asked him to put</p> <p>18 his hands on the side of the trailer, he complied, as</p> <p>19 well; is that correct?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And I assume that that was because Josh wanted</p> <p>22 to pat him down?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Okay. Did Josh do that?</p> <p>25 A. I think he started to.</p> <p style="text-align: right;">62</p>	<p>1 whatever; but I know he knocked him into me.</p> <p>2 Q. Okay. Did you guys fall over?</p> <p>3 A. Didn't fall down. We stumbled backwards. It</p> <p>4 was a -- it was a surprise.</p> <p>5 Q. Uh-huh. At this point when Mr. Hancock -- I'm</p> <p>6 sorry. "Mr. Hancock."</p> <p>7 At this point when Mr. Jones began to run, did</p> <p>8 you feel like he posed an imminent threat of serious</p> <p>9 bodily injury or death to anybody?</p> <p>10 A. Not at that point.</p> <p>11 Q. So, Mr. Jones begins to run, according to you,</p> <p>12 knocks down Officer Hancock into yourself. What's the</p> <p>13 next thing that happens?</p> <p>14 A. They ran out onto MLK. Josh was chasing behind</p> <p>15 him. I ran toward MLK; and at that point, Josh shot at</p> <p>16 him with a Taser.</p> <p>17 Q. Were you able to see whether or not he actually</p> <p>18 hit him with the Taser or not?</p> <p>19 A. I was able to see that he missed.</p> <p>20 Q. How many shots do you get with a Taser?</p> <p>21 A. You get one, and then you have to change</p> <p>22 cartridges and put another one in.</p> <p>23 Q. And, so, after Josh missed with the Taser, what</p> <p>24 was the next thing that you saw he did?</p> <p>25 A. I didn't really see anything after that because</p> <p style="text-align: right;">64</p>
<p>1 Q. Okay. Did you have any information about</p> <p>2 whether or not Mr. Jones was supposed to have a weapon</p> <p>3 on him or not?</p> <p>4 A. I didn't have any information other than what</p> <p>5 Josh had told me. I didn't talk to anyone else.</p> <p>6 Q. And that's what you told us earlier y'all</p> <p>7 conversation was?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. So, you said Josh started to do the</p> <p>10 pat-down. What happened next?</p> <p>11 A. He -- I think Josh told him to put his -- put</p> <p>12 his hands behind his back, that he had the warrants and</p> <p>13 he was going to take him to the Jasper jail.</p> <p>14 Q. Okay. Did he comply this time?</p> <p>15 A. No. Josh -- I heard -- I heard the handcuffs</p> <p>16 click. I guess Josh was opening his handcuffs. As soon</p> <p>17 as that click happened, he hit Josh and knocked Josh</p> <p>18 back into me and took off running out toward MLK.</p> <p>19 Q. Did you see him hit Josh?</p> <p>20 A. Yes. And he knocked him -- knocked him back</p> <p>21 into me.</p> <p>22 Q. Okay. Was that hit -- was it a push or was it</p> <p>23 a punch or do you know?</p> <p>24 A. I don't know if -- I don't know if -- I can't</p> <p>25 say if it was a hit or a push, if he ran over Josh or</p> <p style="text-align: right;">63</p>	<p>1 I ran back to get a car because I knew there was no</p> <p>2 sense in me trying to chase.</p> <p>3 Q. And I'll tell you, during his deposition, Josh</p> <p>4 alluded to the fact that he might have been a little</p> <p>5 faster than you were.</p> <p>6 A. Oh, he was a lot faster than I was and a lot</p> <p>7 better shape than I was. Be like a dog chasing a car.</p> <p>8 Q. All right. And, so, you went back to your</p> <p>9 patrol vehicle?</p> <p>10 A. I went back to the patrol vehicle I was in,</p> <p>11 yes, sir.</p> <p>12 Q. Okay. When's the next time you came back in</p> <p>13 contact with Josh -- Officer Hancock and Dustin Jones?</p> <p>14 A. I backed out onto MLK and turned the direction</p> <p>15 that I figured they would be going, but they were --</p> <p>16 they were gone. They were out of sight. I had no idea</p> <p>17 where they were. And I know -- I may not ought to tell</p> <p>18 this, but I found them by looking at a cow. The cow was</p> <p>19 running toward them with their -- cows are nosy -- with</p> <p>20 their head up looking. So, I knew they had to be that</p> <p>21 way. So, I turned down Henry Robinson; and I could see</p> <p>22 them down there.</p> <p>23 Q. That's interesting. I did not know that cows</p> <p>24 were nosy.</p> <p>25 A. They're very nosy to a -- to a commotion. They</p> <p style="text-align: right;">65</p>

<p>1 will run to a commotion.</p> <p>2 Q. Okay. So, could you -- could you estimate for</p> <p>3 me about how long Officer Hancock and Dustin Jones were</p> <p>4 out of sight?</p> <p>5 A. No, sir, I can't -- I can't tell you a time.</p> <p>6 Q. Okay. Probably not more than a few minutes?</p> <p>7 A. No, it wouldn't -- it wouldn't have been -- I</p> <p>8 don't guess it would've been minutes.</p> <p>9 Q. Okay.</p> <p>10 A. I don't think it would've been minutes.</p> <p>11 Q. Okay.</p> <p>12 A. It would've been a minute -- maybe minutes, two</p> <p>13 minutes, maybe.</p> <p>14 Q. Okay. But probably less than at least two</p> <p>15 minutes; right?</p> <p>16 A. Yeah, probab- -- less than five.</p> <p>17 Q. Okay. And, so, tell me again where you were at</p> <p>18 when you -- when you noticed Mr. Hancock and Dustin</p> <p>19 again.</p> <p>20 A. I was at the -- I was at the corner of -- when</p> <p>21 I saw where the cow was going, I turned down Henry</p> <p>22 Robinson; and when I turned down and started driving</p> <p>23 down Henry Robinson, I could -- I saw them there.</p> <p>24 Q. Okay. And I assume the first time you saw</p> <p>25 them, you were still in your car?</p> <p style="text-align: right;">66</p>	<p>1 was, but yes.</p> <p>2 Q. When you saw Dustin Jones on top of Officer</p> <p>3 Hancock, as far as you could see, did -- did Dustin</p> <p>4 Jones have any weapon?</p> <p>5 A. I couldn't -- I couldn't tell. I couldn't</p> <p>6 tell.</p> <p>7 Q. But you didn't see any weapon at that time?</p> <p>8 A. I did not. I didn't see any.</p> <p>9 Q. Okay. And you said that Dustin was on top of</p> <p>10 Josh. Did you -- were you able to tell what was going</p> <p>11 on between the two, what was happening?</p> <p>12 A. They were struggling.</p> <p>13 Q. Was Dustin punching Officer Hancock?</p> <p>14 A. I -- I can't tell you that. I don't know.</p> <p>15 Q. Did it look to you like he was trying to beat</p> <p>16 up Officer Hancock -- and when I say "he," Dustin was</p> <p>17 trying to beat up Officer Hancock -- or did it look like</p> <p>18 to you that he was struggling, still trying to flee?</p> <p>19 A. No, he was in a position that had he wanted to</p> <p>20 flee, he could have fled. He was -- he was on top.</p> <p>21 Josh was on his back. He could have ran. He could have</p> <p>22 left.</p> <p>23 Q. And I'll tell you, during Officer Hancock's</p> <p>24 deposition, he said that while they were in that</p> <p>25 position, that he had his legs wrapped around Dustin.</p> <p style="text-align: right;">68</p>
<p>1 A. I was, yes, sir.</p> <p>2 Q. Okay. And what did you see happening while</p> <p>3 you -- going on while you were --</p> <p>4 A. I saw them on the ground fighting; and, of</p> <p>5 course, when I turned on the corner and it took -- it</p> <p>6 took a second to get to them, maybe, second or two to</p> <p>7 get to them because I -- the car, I was -- I was going</p> <p>8 hard.</p> <p>9 Q. Uh-huh. What position were they in on the</p> <p>10 ground?</p> <p>11 A. When I -- when I got to them, Josh was on the</p> <p>12 ground on his back; and Mr. Jones was on top of him.</p> <p>13 Q. Okay. And when you say when you got to them,</p> <p>14 do you mean when you were outside of your police car and</p> <p>15 you made it to them?</p> <p>16 A. When I -- when I pulled up to them in my police</p> <p>17 car and opened the door to exit, Josh was on his back on</p> <p>18 the ground; and Dustin was on top of him.</p> <p>19 Q. Okay. Was that the same position that they</p> <p>20 were in when you initially saw them in your police</p> <p>21 vehicle or was it a different position or do you</p> <p>22 remember?</p> <p>23 A. From the time I initially saw them till I got</p> <p>24 to them, it was -- it was just a -- I don't know, it</p> <p>25 was -- it was so quick. I can't tell you how quick it</p> <p style="text-align: right;">67</p>	<p>1 Did you see that?</p> <p>2 A. No.</p> <p>3 MR. CALVERT: Object to the form.</p> <p>4 Q. (BY MR. TURNER) Okay. So, now we can finally</p> <p>5 get to this point. You see him on the ground. What do</p> <p>6 you do next?</p> <p>7 A. I -- I exit the patrol vehicle, grab a</p> <p>8 flashlight that was -- that was there in the light</p> <p>9 holder, and I run to them.</p> <p>10 Q. Why'd you grab the flashlight?</p> <p>11 A. Because that's all I had other than my gun.</p> <p>12 Q. Okay. And when you come to the scene and you</p> <p>13 see the situation that they're in, is this a situation</p> <p>14 where it would be okay for you to discharge a weapon?</p> <p>15 A. If it wouldn't have -- if Josh wouldn't have</p> <p>16 been where he was, I might have done that; but he was --</p> <p>17 it was too dangerous for me to try to shoot with Josh</p> <p>18 where he was. So, the only other alternative I had was</p> <p>19 a flashlight.</p> <p>20 Q. If you had a Taser, would you have used the</p> <p>21 Taser?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Okay. So, you grab the flashlight. You</p> <p>24 run to him. What's the next thing that happens?</p> <p>25 A. I could see Josh that was in -- was in much</p> <p style="text-align: right;">69</p>

<p>1 distress. He -- he tried to tell me that he couldn't 2 breathe, but he couldn't even talk it out. He just kind 3 of had to whisper it out, told me, "Paul, I can't 4 breathe"; and he was in -- he was in quite a bind. 5 Q. Okay. And, so, what did you do? 6 A. I didn't know had he been stabbed. I didn't 7 know had he gotten Josh's gun and shot him. So, I start 8 hitting him in the head and shoulders with that 9 flashlight. 10 Q. Would you consider -- hitting him in the head 11 and shoulders with that flashlight, would you have 12 considered that use of deadly force? 13 A. I -- I wasn't thinking at that time. I didn't 14 care. I wanted him off Josh. 15 Q. Looking back hindsight, would you consider that 16 using deadly force? 17 A. Could be. 18 Q. And you started hitting him on the head and 19 shoulders -- 20 A. Uh-huh. 21 Q. -- with the flashlight. I assume you were 22 hitting him pretty hard? 23 A. I was hitting him pretty hard, yes, sir. 24 Q. Okay. What was his reaction to that? 25 A. None.</p> <p style="text-align: right;">70</p>	<p>1 couldn't go nowhere and I could hang on until backup 2 arrived. 3 Q. You said you had your arm around his chin, the 4 lower part of his chin? 5 A. My left arm, yes -- 6 Q. Left arm? 7 A. -- yeah -- 8 Q. And what -- 9 A. -- up under his -- up under his chin and jaw, 10 and I was holding it like this (indicating) back up 11 against me where he couldn't headbutt me. 12 Q. Okay. And while you had your left arm under 13 his chin and jaw, were you holding your arm with the 14 right -- 15 A. Uh-huh, I had him like this (indicating) -- 16 Q. Okay. 17 A. -- uh-huh, what -- what I could get there. I 18 was -- I was kind of on my side and he was, too, and I 19 was just holding him up against me. 20 Q. Were you fully on your side or kind of on your 21 side? 22 A. I wasn't -- I wasn't laying on my side. I was 23 kind of on -- I was on this (indicating) side with 24 the -- with, I don't know, the right cheek of my butt 25 and my right shoulder was kind of on the ground and he</p> <p style="text-align: right;">72</p>
<p>1 Q. Do you recall how many times you hit him on the 2 head and shoulders with the flashlight? 3 A. Well, I swung it two or three times; but I 4 think one time I got Josh. So, probably a couple of 5 times. 6 Q. Okay. And after hitting him a couple of times, 7 what's the next thing that you did? 8 A. I saw that was having absolutely no effect; so, 9 I threw the flashlight out of the way where he couldn't 10 get to it in case -- case I couldn't handle him. 11 Q. Uh-huh. 12 A. Threw it out of the way. So, I reached down 13 and got him in a headlock and rolled him back off of 14 Josh. 15 Q. Can you describe for me the headlock that you 16 put him in? 17 A. I had -- my left arm was around his chin. And 18 what I was trying to do was I was holding his head back 19 up against my body where he couldn't headbutt me because 20 he was trying to punch me with his fist, and I knew if 21 I -- if I let go of his head, he'd try to headbutt me; 22 and I had it below his mouth where he couldn't bite me. 23 Q. Okay. 24 A. And I was just -- I locked my legs around him 25 where I could get him in a -- get him contained where he</p> <p style="text-align: right;">71</p>	<p>1 was kind of half on top of me and half on his side, too. 2 Q. Okay. And you said that you had your legs 3 wrapped around his torso? 4 A. Kind of wrapped around his waist and his thighs 5 here (indicating) -- or around his waist because he was 6 kicking and hitting, and I was just trying to -- I was 7 just trying to hang on, but I did have my legs wrapped 8 around him. I just don't know where exactly. 9 Q. Okay. And I assume that you were holding onto 10 him pretty tightly? 11 A. Yes, sir. 12 Q. Okay. At this time, were you -- you put him in 13 a headlock. You grabbed him, and you pulled him off of 14 Officer Hancock; and you have his -- you have your legs 15 around him. What is -- what is Officer Hancock doing? 16 Do you know? 17 A. Well, as soon -- soon as I got him off and 18 down, Officer Hancock got up and came around. And 19 Mr. Jones was trying to hit me with his fist. So, I 20 told Josh, I said, "Hold his -- get his hands and hold 21 them"; and he did. 22 Q. Now I want to talk about the time period right 23 before you asked Officer Hancock to grab his hands. At 24 that time period, were you in imminent fear of serious 25 bodily injury or death?</p> <p style="text-align: right;">73</p>

<p>1 A. I wasn't, but I was afraid Josh was.</p> <p>2 Q. Okay. And, so, you asked Officer Hancock to</p> <p>3 hold his hands. Was --</p> <p>4 A. Yes, sir.</p> <p>5 Q. -- he able to do that?</p> <p>6 A. Sir?</p> <p>7 Q. Was he able to do that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. Could you tell me the position that</p> <p>10 Officer Hancock was in when he held his hands?</p> <p>11 A. He was behind me, leaning over me, and had</p> <p>12 Mr. Jones's hands with both of his.</p> <p>13 Q. Was he holding them out like this (indicating)</p> <p>14 or --</p> <p>15 A. He had them -- he had them over us and was</p> <p>16 holding them on -- onto the ground --</p> <p>17 Q. Okay.</p> <p>18 A. -- yeah.</p> <p>19 Q. Did he successfully prevent Mr. -- Mr. Jones</p> <p>20 from moving his hands?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And you said earlier that the plan was for you</p> <p>23 to be in that position until backup arrived. Had you</p> <p>24 called for backup?</p> <p>25 A. I didn't call for backup. But Officer Hancock,</p> <p style="text-align: right;">74</p>	<p>1 did Mr. Jones pose an imminent threat of serious bodily</p> <p>2 injury or death to you or Officer Hancock?</p> <p>3 A. At that time, I was -- I was still pretty</p> <p>4 concerned, yes, sir.</p> <p>5 Q. Okay. Why were you concerned?</p> <p>6 A. If he broke loose or tore loose, I didn't know</p> <p>7 what was going to happen then. So, I was -- I was</p> <p>8 still -- I was still quite -- quite nervous about the</p> <p>9 situation.</p> <p>10 Q. And, so, I guess what serious bodily injury</p> <p>11 were you concerned about, if any?</p> <p>12 A. Any kind that he could inflict. All of it.</p> <p>13 I -- you know --</p> <p>14 Q. Okay.</p> <p>15 A. -- I had a -- I had a hold on him, but I didn't</p> <p>16 know how long my hold was going to last. I was fading</p> <p>17 pretty quick myself.</p> <p>18 Q. So, it's not necessarily that you thought he</p> <p>19 posed a serious threat of bodily injury or death to</p> <p>20 yourself at that point; but maybe if he were to be let</p> <p>21 go, he might?</p> <p>22 A. If he -- if he were to break loose, yes, sir,</p> <p>23 he could have -- he could have at that point posed a</p> <p>24 threat of serious bodily injury.</p> <p>25 Q. Do you have any idea how long y'all were in</p> <p style="text-align: right;">76</p>
<p>1 when the pursuit started, he checked in pursuit; and at</p> <p>2 that point, we knew backup was coming. We just didn't</p> <p>3 know where or how long they were.</p> <p>4 MR. CALVERT: We've been going a little</p> <p>5 over an hour. Can we take a short break?</p> <p>6 MR. TURNER: (Gesturing)</p> <p>7 THE VIDEOGRAPHER: We're off the record at</p> <p>8 11:16.</p> <p>9 (RECESS FROM 11:16 A.M. TO 11:30 A.M.)</p> <p>10 THE VIDEOGRAPHER: Back on the record at</p> <p>11 11:30.</p> <p>12 Q. (BY MR. TURNER) I think when we left off,</p> <p>13 Chief, we were -- you were -- you were -- you were kind</p> <p>14 of on your side -- you know, kind of on your side, kind</p> <p>15 of on your back holding Dustin in a headlock and Officer</p> <p>16 Hancock was kind of laying over the top of both of you</p> <p>17 guys holding Dustin's hands forward?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. At that time, did y'all have him pretty</p> <p>20 secured?</p> <p>21 A. I think so, yes, sir.</p> <p>22 Q. Would you consider him as being in you guys'</p> <p>23 custody at that time period?</p> <p>24 A. Yes, sir, he was in my custody.</p> <p>25 Q. Okay. At that time point, did -- in your view,</p> <p style="text-align: right;">75</p>	<p>1 that situation for, that position for?</p> <p>2 A. No, sir, I don't. It felt like forever, but I</p> <p>3 don't know. I don't know. I can't tell you how long.</p> <p>4 Q. Would you say it was more or less than five</p> <p>5 minutes?</p> <p>6 A. I couldn't say.</p> <p>7 Q. Okay.</p> <p>8 A. I couldn't say one way or the other. It</p> <p>9 just -- it just felt like forever.</p> <p>10 Q. And for however long that y'all were in this</p> <p>11 position, what was Mr. Jones doing?</p> <p>12 A. He was -- he was still fighting. He was still</p> <p>13 fighting. He was kicking, trying to get his hands</p> <p>14 loose, squirming.</p> <p>15 Q. So, you wouldn't be able to tell me -- well,</p> <p>16 let me scratch that question. I know you can't tell me</p> <p>17 that.</p> <p>18 At some point -- well, what's the next -- how</p> <p>19 about I just ask. What's the next significant thing</p> <p>20 that happened, to your memory, involving this incident?</p> <p>21 A. After the hold, the next significant thing I</p> <p>22 remember is Josh told me he wasn't breathing.</p> <p>23 Q. And what'd you do once Officer Hancock informed</p> <p>24 you he wasn't breathing?</p> <p>25 A. Turned him loose. We rolled him onto his</p> <p style="text-align: right;">77</p>

<p>1 stomach, got his hands -- I got his hands out from under 2 him, and Josh put handcuffs on him. And at that point, 3 we turned him back over; and after that, I don't 4 remember much. I was -- I was crawling away, and I 5 dialed 9-1-1 at that point.</p> <p>6 Q. While y'all were in that position on the 7 ground, do you recall saying anything to Mr. Jones?</p> <p>8 A. I told -- I told him one time that backup was 9 going to have to hurry up and get there because I can't 10 hold on much longer.</p> <p>11 Q. And I assume you told that to Officer Hancock?</p> <p>12 A. I did tell that to Officer Hancock.</p> <p>13 Q. Do you recall saying anything to Mr. Jones 14 while y'all were in that position?</p> <p>15 A. I didn't say -- I wasn't talking to Mr. Jones. 16 I didn't say anything to him.</p> <p>17 Q. You don't recall ever asking him if he gives 18 up?</p> <p>19 A. No.</p> <p>20 Q. Would it be fair to say that you didn't 21 initially notice, yourself, that Mr. Jones wasn't 22 breathing?</p> <p>23 A. I didn't notice, no, sir.</p> <p>24 Q. You're aware that we took the deposition of 25 Officer Hancock prior to your deposition?</p> <p style="text-align: right;">78</p>	<p>1 that, I released the hold. We rolled him onto his 2 stomach, cuffed him, and then rolled him back over.</p> <p>3 Q. Do you recall where y'all got those handcuffs 4 from?</p> <p>5 A. Some -- some lady that was there, I think -- I 6 don't know if she got them or if Josh ran and got them. 7 I don't know.</p> <p>8 Q. Okay.</p> <p>9 A. I don't know who got them.</p> <p>10 Q. What's the difference between a headlock and a 11 chokehold, Chief?</p> <p>12 A. A headlock just secures the head. A chokehold 13 cuts off the airflow.</p> <p>14 Q. Are chokeholds okay in the Kirbyville Police 15 Department?</p> <p>16 A. No, they're not.</p> <p>17 Q. Did you guys ever find a weapon on Mr. Jones?</p> <p>18 A. I couldn't -- I don't know, sir. I don't know. 19 I didn't.</p> <p>20 Q. Is it your understanding that at some point 21 prior to this incident, Mr. Jones had been using 22 synthetic marijuana; or do you know?</p> <p>23 A. I -- I had -- I don't know. I had heard that 24 Arthur Breed had told -- I thought he told Josh that 25 they had been smoking all that night --</p> <p style="text-align: right;">80</p>
<p>1 A. Yes, sir.</p> <p>2 Q. And I forgot to ask you. What did you do to 3 prepare for your deposition today, if anything? Did you 4 review any documents, look at anything?</p> <p>5 A. I reviewed my statement.</p> <p>6 Q. Okay.</p> <p>7 A. I looked over my statement.</p> <p>8 Q. Did you talk to Officer Hancock about his 9 deposition?</p> <p>10 A. Yeah, I tried to.</p> <p>11 Q. Okay.</p> <p>12 A. He couldn't remember anything.</p> <p>13 Q. Okay. I'll tell you, during his -- during his 14 deposition, he said that Mr. Jones was struggling, 15 struggling, struggling and then to him it seemed like 16 all of the sudden, he just stopped struggling.</p> <p>17 A. Uh-huh.</p> <p>18 Q. That's when he noticed that he wasn't 19 breathing. Does -- does that sound about right to you?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Is it fair to say that pretty immediately once 22 you guys noticed that he wasn't moving or breathing that 23 y'all went ahead and released the hold?</p> <p>24 A. As soon as Josh told me, he -- Josh said, 25 "Paul, he's not breathing"; and as soon as Josh said</p> <p style="text-align: right;">79</p>	<p>1 Q. Okay.</p> <p>2 A. -- but I don't know that.</p> <p>3 Q. Is there another -- do you know what the other 4 names for synthetic marijuana are?</p> <p>5 A. K2, I guess. I think they call it "K2," but I 6 don't know -- I don't know much about that stuff --</p> <p>7 Q. Okay.</p> <p>8 A. -- very little.</p> <p>9 Q. Okay. So, you said that -- after they turned 10 him over, the handcuffs, you said that you kind of 11 didn't know what happened from that point because -- 12 tell me again what you did afterwards. You crawled and 13 called 9-1-1?</p> <p>14 A. I -- all I was able to do is crawl away, call 15 9-1-1; and I just kind of laid down on the ground. I 16 was -- I was ruined. I was spent, but I did manage to 17 call 9-1-1 and get an am- -- get an ambulance en route 18 for him.</p> <p>19 Q. Did you participate -- it's my understanding 20 that -- well, do you -- do you know if people were 21 trying to resuscitate Mr. Jones?</p> <p>22 A. I know Josh was, and there was -- there was 23 another lady there that was trying to help, and then 24 once the -- once the other officers got there, they took 25 over the C.P.R.</p> <p style="text-align: right;">81</p>

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
BEAUMONT DIVISION

SHAWNTEL BREED,
INDIVIDUALLY AND AS
REPRESENTATIVE OF THE
ESTATE OF DUSTIN KEITH
JONES, DECEASED, AND AS
NEXT FRIEND OF DJ AND CJ,
MINOR CHILDREN
Plaintiff

VS.

CIVIL ACTION NO. 1:15-cv-190
JURY DEMANDED

CITY OF KIRBYVILLE, CHIEF
PAUL BRISTER, AND OFFICER
JOSH HANCOCK OF THE CITY
OF KIRBYVILLE POLICE
DEPARTMENT, INDIVIDUALLY,
AND IN THEIR OFFICIAL
CAPACITIES
Defendants.

REPORTER'S CERTIFICATE

ORAL AND VIDEOTAPED DEPOSITION OF

CHIEF ROBERT PAUL BRISTER

March 18, 2016

I, Janie P. Trapp, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

1 That the witness, CHIEF ROBERT PAUL BRISTER, was
2 duly sworn and that the transcript of the deposition is
3 a true record of the testimony given by the witness;

4 That the deposition transcript was duly submitted on
5 _____ to the witness or to the attorney
6 for the witness for examination, signature, and return
7 to the offices of Nell McCallum & Associates, Inc.,
8 by _____.

9 That the amount of time used by each attorney
10 at the time of the deposition is as follows:

11 MR. TURNER - 2 hours, 27 minutes,

12 That pursuant to information given to the deposition
13 officer at the time said testimony was taken, the
14 following includes all parties of record:

15 FOR THE PLAINTIFF:

16 Mr. Ronnie Turner, Jr.
17 SBOT No. 24075533
18 PROVOST UMPHREY LAW FIRM, L.L.P.
490 Park Street
Beaumont, Texas 77701

19 FOR THE DEFENDANTS:

20 Mr. Frank D. Calvert
21 SBOT No. 03667700
22 CALVERT, EAVES, CLARKE & STELLY, L.L.P.
2615 Calder, Suite 1070
Beaumont, Texas 77702

23 I further certify that I am neither counsel for,
24 related to, nor employed by any of the parties in the
25 action in which this proceeding was taken, and further

1 that I am not financially or otherwise interested in the
2 outcome of this action.

3 Further certification requirements pursuant to
4 Federal Rules of Civil Procedure will be complied with
5 after they have occurred.

6 Certified to by me on this _____ day of
7 _____, ____.

8

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Janie P. Trapp, CSR, RPR
Texas CSR No. 6789
Expiration: 12/31/2017
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15

REPORTING FIRM'S FURTHER CERTIFICATION

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17

18

The Changes and Signature page were/were not
returned to the deposition officer on _____.

19

20

If returned, the attached Changes and Signature page
contain(s) any changes and the reasons therefor.

21

22

23

The original deposition was delivered to Mr. Ronnie
Turner, Jr., Attorney for Plaintiff, Custodial Attorney,
for safekeeping on _____;

24

25

That a copy of this certificate was served on all
parties shown herein.

1 Certified to by me on this _____ day of

2 _____, _____.

3

4

5

6

Janie P. Trapp, CSR, RPR
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Janie P. Trapp, CSR, RPR